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April 10, 2000

Date

Bonita R. Gladden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Orest W. Blaschuk, James Matthew Symonds, and Barbara J. Gour
 Application No. : 09/185,908
 Filed : November 3, 1998
 For : COMPOUNDS AND METHODS FOR MODULATING CLAUDIN-MEDIATED FUNCTIONS

Examiner : Amy DeCloux, Ph.D.
 Art Unit : 1644
 Docket No. : 100086.409
 Date : April 10, 2000

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Assistant Commissioner for Patents
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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents:

In response to the Restriction Requirement dated March 8, 2000, Applicants hereby elect Group I, claims 1-20, 27-43, 46-49, 52-55 and 58-61, directed to peptide cell adhesion modulating agents, for examination at this time.

Applicants further elect, with traverse, the following species: (a) the linear peptide WKIYSYAG (SEQ ID NO:34); (b) the cyclic peptide CIYSYC (SEQ ID NO:59), in which X₁, X₂, Z₁ and Z₂ are zero amino acids in length, Y₁ and Y₂ are cysteine residues and linkage is via a disulfide bond; (c) the non-claudin adhesion molecule occludin; and (d) modulating agents linked to a drug. Applicants further elect WKIYSYAG (SEQ ID NO:34) as the specific species to which the claims may be restricted if no generic claim is held allowable.

Applicants respectfully submit that the examination of the present claims without species elections would not unduly burden the Examiner. In this regard, Applicants wish to point out that the present invention represents the first identification of a claudin CAR sequence. Noncritical amino acids adjacent to the CAR sequence may be varied essentially without restriction. There is simply no basis for Applicants to limit the scope of the present claims to a peptide in which specific noncritical flanking amino acid residues are recited. Applicants submit that a search of a claudin CAR sequence would identify peptide agents in which variations occur outside the CAR sequence. Applicants request that the Examiner reconsider her position with regard to the election of specific peptide species.

Similarly, the peptide agents recited in the pending claims may be linked to any of a variety of moieties, without affecting the ability of the peptide sequence to modulate claudin-mediated cell adhesion. Applicants believe that a search directed to the peptide sequence would identify any disclosure of that sequence, regardless of the moiety to which the sequence is linked. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the requirements for species elections within group I, and consider pending claims 1-20, 27-43, 46-49, 52-55 and 58-61 as filed.

In view of the above elections, Applicants hereby cancel claims 21-26, 44-45, 50-51, 56-57 and 62-63 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Consideration of the elected claims is now requested.

Respectfully submitted,

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